

CC: File Copy
CC: Witnesses
CC: Being Mailed-out:
4/4/2023 @ 0700 A.M. CST

DATE: Tuesday, April 4,
2023

GILBERTO Tello
JOHN B. Connally
UNIT, 899 FM
632, Kenedy,
TX 78119

United STATES District Court
Southern District of Texas
Houston Division

United States Courts
Southern District of Texas
FILED

APR 07 2023

Nathan Ochsner, Clerk of Court

GILBERTO Tello,
Prose Plaintiff
Litigant - Defendant
VS.
The Dept. of Criminal
Justice - John B.
Connally Unit AND
The 49th District
Court, ET AL.,
Respondent

§ Civil Rights Act
§ Complaint Under 42 U.S.C.
§ 1983
§ CASE NO.
§ Illegally Incarcerated AND
§ Illegally Convicted AND
§ Sentence
§ Demand For Jury TRIAL
§ RE: CASE NO. 04-18-00220-CR
CAUSE NO. 2012-CRN-000013-D

Initial Official Complaint Under the Civil Rights Act 42 U.S.C.

§ 1983

TO THE Honorable Judge OF Said Court:

Here comes GILBERTO Tello, Applicant in the
above styled Number Cause. Files his Initial Above Titled
Motion. Prose Litigant will present A memorandum OF LAWS
where herein will show this Honorable Civil Court that his
Great Unique Arguments Support Great Immediate Relief.
And that they directly, cite A Code 42 USC Title 1983 where
he will list out Numerous Grounds of Civil Rights Violation
Under the Bill of Rights, Due process Rights and its 14th Amend-
ments. AND Concluding Here moves this Court to Completely,
Safeguard his TDCJ-STAY AND Well-Being where At Times
Harassing cell-Searches have been done by TDCJ-OFFICIAL
TO ALSO, Stolen Personal Purchase Items where NOONES
WANTS to Responsible - liable to Include th

Date: Tuesday, April 4,
2023

TAKE AWAY OF Legal Mail Altogether. This prose Litigant requests that NO-RetaliatiON CONTinUES or Hidden personal VANDetta Comes up Him OR His Family For Exercising His Civil Rights that are given by this Country that still KNOWN as The United STATES OF America. Note: Upon Receive OF Authorized Case Number. A more Formal OFFicial Summary Depicted A BONA Fide Complaint with Needed motions OF Requests ETC... Will promptly Follow.

RespectFully Submitted,

Gilberto Tello 4/4/2023

GILBERTO Tello

Prose DeFendant.

CC: File Copy

DATE: Tuesday, April 4,
2023

Certificate OF Service

This is to Certify that on April 4, 2023, A True and Correct Copy of the above and Foregoing document was served on the United States District Court, Southern District of Texas, P.O. Box 61010, Houston, Texas 77208-1010

Respectfully Submitted,
Dilberto Tello 4/4/2023
Pro se Defendant

CC: File Copy(ies)
 CC: Witnesses
 CC: mailed-out: 4/7/2023
 6:07:00 A.M. CST

DATE: Friday, April 7,
 2023

Cause NO. 2012-CRN-000013-D1

STATE OF TEXAS § IN THE District Court
 VS. § 49th Judicial District
 GILBERTO TELLO, § Webb County, TEXAS
 TDCJ NO. 2182783 §
 JOHN B. Connolly Unit § RE: CASE NO. 04-18-00220-CR
 Prose Defendant § RE: Cause NO. 2012-CRN-0000
 § 13-D
 § RE: Legal Document "Amended Judgment"

2nd - ~~MOTION~~ FOR NUNC PRO TUNC

TO THE HONORABLE Judge OF Said Court:

NOW Comes, GILBERTO TELLO, - Defendant in the above entitled and numbered Cause. Prose Defendant Litigant respectfully moves this Court to promptly give Due Accredited Herein now, stated by names (ing) said Underserved Attending Facilities, and the stating of Dates to Later Futurly, Litigating Actual TRUE Happening Events to True Bona Fide Laws that of the above Date of this Here titled Motion have yet to be presented to Respectful Courts that are concern with AND Stop the Mis-Carriage OF (IN) Justice. Reference to: Letter Dated: JANUARY 31, 2023 which was Received on Wednesday, February 8, 2023 via Legal Mail Connolly Unit, Mail Room Legal Court Document Titled: "Amended Judgment OF CONVICTION BY JURY" That Reads (That "This Sentence Shall Run Concurrently. Noting Important Dates From 4/10/2013 - 8/8/2013 = 120 DAYS Spent at Rusk State Hospital Under Case NO. 321459 Where Upon return a Second Booking NO. WAS Generated 2013-6883; AS First Booking Arrest NO. WAS NO. 2011-8834 TRN NO. 9127557596 With Indictment date: 2/19/2012 with DA. File # DV-12-00089. NO DWI.

Respectfully Submitted
 Gilberto Tello 4/7/2023
 GILBERTO TELLO

CC: File copy
CC: witness(es)
CC: Mailed-out: 4/7/2023
8:00 A.M. CST

Date: Friday, April 7, 2023

CERTIFICATE OF SERVICE

This is to certify that on April 7, 2023, A TRUE AND CORRECT COPY OF the Above and Foregoing (2nd Motion FOR NUNC PRO TUNC) Document was Served on the District ATTORNEY, ATTORNEY'S OFFICE, Webb County Court House, Laredo, Texas via USPS Regular mail Delivery.

Gilberto Tello 4/7/2023
GILBERTO Tello
Pro se Litigant
Defendant



State District Court
49th Judicial District of Texas
Counties of Webb and Zapata

JOSE A. LOPEZ
State District Judge

January 31, 2023

Gilberto Tello
DOB: 11/22/1968
TDCJ # 02182783
899 FM 632; Kenedy, TX 78119

**RE: Cause No. 2012CRN000013D1
; at the 49th District Court in Webb County, Texas**

Mr. Tello,

We received your letter at the 49th District Court of Webb County, Texas dated January 20th, 2023. You were sentenced to serve 70 years at TDCJ on March 5th, 2018. Please see attached copy of the Amended Judgment with the correct date of October 23, 2011, as your arrest date. Also with credit of 2207 days as of the day your credits were requested and all time after that has been counting.

Our district clerk will be sending the Amended Judgment to TDCJ, as soon as they can.

Respectfully,

Alma Martinez
Criminal Coordinator
49th District Court



CASE No. 2012CRN000013D1 COUNT I
INCIDENT No./TRN: 9127557596

THE STATE OF TEXAS

V.

GILBERTO TELLO

STATE ID No.: TX07303617

§
§
§
§
§
§

IN THE 49TH DISTRICT

COURT

WEBB COUNTY, TEXAS

AMENDED

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	HON. JOSE A. LOPEZ	Date Judgment Entered:	3/5/2018
Attorney for State:	PEDRO GUAJARDO-RENE BENAVIDES-AARON BONDOC-ALBRECHT REIPEN AND ELIZABETH CASTILLO	Attorney for Defendant:	EDUARDO PENA-FRED TREVINO AND OSCAR PENA, SR.
<u>Offense for which Defendant Convicted:</u>			
MURDER F/1			
<u>Charging Instrument:</u>		<u>Statute for Offense:</u>	
INDICTMENT		19.02(b)(1)	
<u>Date of Offense:</u>			
10/23/2011			
<u>Degree of Offense:</u>		<u>Plea to Offense:</u>	
1ST DEGREE FELONY		NOT GUILTY	
<u>Verdict of Jury:</u>		<u>Findings on Deadly Weapon:</u>	
GUILTY		N/A	
Plea to 1 st Enhancement Paragraph:	N/A	Plea to 2 nd Enhancement/Habitual Paragraph:	N/A
Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
Punished Assessed by:	Date Sentence Imposed:	Date Sentence to Commence:	
JURY	3/5/2018	3/5/2018	
Punishment and Place of Confinement:	70 YEARS INSTITUTIONAL DIVISION, TDCJ		

THIS SENTENCE SHALL RUN CONCURRENTLY.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

<u>Fine:</u>	<u>Court Costs:</u>	<u>Restitution:</u>	<u>Restitution Payable to:</u>
\$ 8,000.00	\$ 924.00	\$ N/A	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

☐ Attachment A, Order to Withdraw Funds, is incorporated into this judgment and made a part hereof.

Sex Offender Registration Requirements do not apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was N/A .

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

Time Credited:	From 10/23/2011 to 4/10/2013	From 8/8/2013 to 3/5/2018	From to
	From to	From to	From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

2207 DAYS NOTES: TOWARD INCARCERATION

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Webb County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared in person with Counsel.
- ☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The INDICTMENT was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

- ☒ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.
- ☐ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.
- ☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the . Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the . Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the County . Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

- ☒ The Court ORDERS Defendant's sentence EXECUTED.
- ☐ The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

DEFENDANT WAS FOUND GUILTY BY A JURY AND WAS ASSESSED PUNISHMENT OF 70 YEARS TO SERVE IN THE TEXAS DEPARTMENT OF CORRECTIONS FACILITY TOGETHER WITH A \$8,000.00 FINE.

Signed and entered on Jan - 31, 2023.

X
JOSE A. LOPEZ, 49TH DISTRICT COURT
 JUDGE PRESIDING

Clerk:

Right Thumbprint

Tuesday, April 4, 2023

CC: File Copy

Important

Notation: Please, make
Copies of all of the
Enclosed, Especially, my
Enclosed Letter and Thruled-it
to me with Courts Rules & Instructions
THANK YOU.

Dilberto Tello

#2182783

Connally Unit

899 FM 632

Kenedy, TX 78119

Current House

3-Bldg C-pod Cell NO. 29B

U.S. District Court

Southern District of Texas

P.O. Box 61010

Houston, Texas 77208-1010

United States Courts
Southern District of Texas
FILED

APR 07 2023

Office Clerk - Greetings

Nathan Ochsner, Clerk of Court

Enclosed, is a 3-Page Letter Dated:
January 31, 2023 which was received on
Wednesday, February 8, 2023

RE: Cause NO. 2012CRN000013D(1)
Case NO. 04-18-00220-CR

NOTE: I greatly Question the Following to this Here
Letter I question the Number 1 at the end
of Cause NO. which noted in Commas
And Also, the Word Cause in Legal Law
Books states that it means the Date of
Said Incident where my arrest was
OCT 23, 2011 so, it should be
Cause NO. 2011 Right or Wrong?
Also, Important and Relevant are the Following
Here Dates:

D.A. File # DV-12-00089

1st Booking NO. 2011-8834

TRN NO. 9127557596

2nd Booking NO. 2013-68
Arrest NO. 83

Trial Duration: Feb 26, 2018 - March 5, 2018

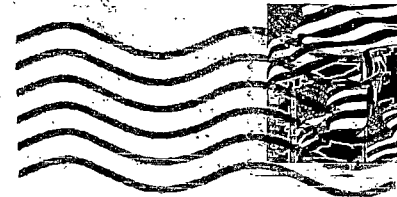
TDCJ Time Sheet States 2/19/2012 But Should Be

10/23/2011; I Believe 2/19/2012 is Indictment Date
Respectfully submitted, Tello 4/4/2023



GILBERTO Tello #2182783
Connally Unit
899 FM 632
Kenedy, Texas 78119

SAN ANTONIO TX 780
RIO GRANDE DISTRICT
4 APR 2023 PM 3 L



United States Courts
Southern District of Texas
FILED

Office Clerk

APR 07 2023

U.S. District Court Nathan Ochsner, Clerk of Court

Southern District of Texas

P.O. BOX 61010

"Legal Mail"

77208-101010

Houston, Texas 77208-1010

